THE HONOURABLE SRI JUSTICE P.S.NARYAANA

W.P.No.17120 of 2006
Date: 28-08-2006

Between:

Veerareddy Purushotham Reddy ... Petitioner

And

The District Collector,Warangal and others

... Respondents

THE HONOURABLE SRI JUSTICE P.S.NARYAANA

W.P.No.17120 of 2006

ORDER:

1. Heard the counsel.

2. The writ petition is filed for a writ of Mandamus directing the respondents to permit the petitioner to lift and transport the 18 feet Sand out of 20 feet sand dumped by the "Pedda Vagu" in the petitioner's land admeasuring Ac.8.36 guntas comprised in Survey No.523/B situated at Chinnamadur Village of Devaruppala Mandal, after paying the requisite amount, following the letter of 3rd respondent referred in the letter of 2nd respondent Rc.No.D/1479/2002 dated 16.8.2002, so as to enable the petitioner to cultivate his lands and pass such other suitable orders.

3. It is stated that by the learned Assistant Government Pleader for Panchayat Raj that the 5th respondent- District Level Committee, Warangal, is the competent authority to consider such representations and to take appropriate decisions. The leaned counsel also would submit that no such representation as on today had been made by the petitioner to the fifth respondent.

4. The learned counsel, Smt.S.V.Indira, counsel for the petitioner, had taken this court through the factual details which had been narrated in the affidavit filed in support of the writ petition.

5. It is stated that the petitioner is the owner of patta land admeasuring Ac.14-00 comprised in Survey No.523/B situated at Chinnamadur Village, Devaruppala Mandal, Warangal District. It is also stated that out of Ac.14.00 an extent of Ac.5.04 guntas had been

merged in the canal called as “Pedda Vagu”. It is also stated that the Mandal Revenue Officer-respondent No.3 of Devaruppala Mandal had issued the petitioner pattadar passbook including the above land admeasuring Ac.8.36 guntas. It is also stated that during the rainy season the “Pedda Vagu” dumped the sand in the remaining land covered with 10 feet height. In the year, 2002 the entire land was covered with 10 feet height sand due to the flow of above vagu. Under those circumstances, the petitioner approached the respondent No.3 and on representation the Mandal Revenue Officer-respondent No3 directed the Revenue Inspector to enquire in to the matter and submitted his report to the respondent No3 – the Mandal Revenue Officer. In turn the Mandal Revenue Officer had written a letter vide RC.No.B/173/2002 dated -8-2002 to the Revenue Divisional Officer, Janagaon- second respondent stating the petitioner owns a patta land of Ac.14.00 out of Ac.18.22 gts in Survey No.523/B and the canal as “Pedda Vagu” is following through the petitioner’s land admeasuring Ac.5-18 guntas and the remaining Ac.8-36 guntas is covered with sand and requested the Revenue Divisional Officer, Janagaon for further necessary action. In turn the Revenue Divisional Officer, Jangaon vide his Roc. No.D/1479/2002 dated 16-8-2002 had written a letter to the District Collector (Panchayat Wing) Warangal, (R1) reiterating the facts and sought permission for lifting and transport the said sand from the patta land admeasuring Ac.8.22 guntas comprised in Survey No.523/B situated at Chinnamadur village of Devaruppala Mandal. It is also stated that due to the heavy rains in the year 2005, the entire land of the petitioner had covered with sand of 20 feet height and due to that, the water flow was diverted causing heavy loss to the villagers. Still there is a danger of floods due to the dumping of sand. It is also stated that it is not possible for the petitioner to cultivate land without lifting the sand. Hence, petitioner requested the 4th respondent to permit the petitioner to remove the said sand from the land admeasuring

Ac.8.36 guntas comprised in Survey No. 523/B of Chinnamadur Village at the cost of the petitioner. The 4th respondent perused the previous letters of respondents 2 and 3 and respondent No.4 told the petitioner orally to get a direction from this court. Certain other facts also had been narrated. Inasmuch as, now specific stand taken that the District Level Committee, Warangal is the competent authority, the petitioner is at liberty to make appropriate representation to the District Level Committee within a period of two weeks from the date of receipt of the order along with the correspondence placed before this court and let the District Level Committee, Warangal - fifth respondent to take appropriate decision at the earliest point of time in view of the urgency involved in the matter.

5. With the above direction, the writ petition is disposed of. No order as to costs.

_____

28-08-2006

Stp